

TRAVERSE OF RESTRICTION ELECTION

Method, Computer System and Computer Program Product Claims with Corresponding Substantive Limitations Belong in Same Group

Groups I, III and IV should be a single group. The independent claims of Groups I, III and IV contain corresponding limitations with respect to navigation. For example, the first element of claim 1, and corresponding limitations in claims 17 and 25 are as follows:

Claim 1:

performing dual-frequency navigation before the time period, including computing smoothed code measurements and updates to an ionospheric model based on code and carrier-phase measurements obtained using signals from the respective satellite on both the first and second frequencies;

Claim 17

instructions for performing dual-frequency navigation before the time period by computing smoothed code measurements and updates to an ionospheric model based on code and carrier-phase measurements obtained using signals from the respective satellite on both the first and second frequencies before the time period;

Claim 25

instructions for performing dual-frequency navigation before a time period in which signals from a respective satellite on the first frequency are lost, by computing smoothed code measurements and updates to an ionospheric model based on code and carrier-phase measurements obtained using signals from the respective satellite on both the first and second frequencies before the time period;

The additional text in the above-quoted element of claim 25 is found earlier in claims 1 and 17. The second and third elements of claim 1 also have corresponding limitations in claims 17 and 25.

The undersigned attorney notes that he is prosecuting hundreds of patents applications in the USPTO that have corresponding method, computer system and computer program product claims, and that to his knowledge none of those applications have received restriction requirements requiring the division of such claims into distinct groups. The Restriction Requirement, with respect to Groups I, III and IV, is contrary to the practices of the USPTO.

In addition, issuing three patents with corresponding substantive elements would be contrary to the best interests of the public.

The Restriction Requirement is contrary to MPEP 803.01

Because the Examiner is required to construe each claim element as having the broadest reasonable scope possible, prosecution of the Group I, III and IV claims will place no additional burden on the Examiner. MPEP 803.01 states: "If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions." It is submitted by applicant that any prior art applicable to the Group I claims would almost certainly also be asserted by the Examiner as being applicable to the Group III and IV claims as well, and vice versa. Thus, no serious additional burden will be imposed on the Examiner by treating the claims of Groups I, III and IV as a single group.

In light of the above remarks, the Applicant respectfully requests that the Examiner reconsider the Restriction Requirement. The Examiner is invited to call the undersigned attorney at (650) 843-7501, if a telephone call could help resolve any remaining items.

Respectfully submitted,

Date: December 14, 2006



Gary S. Williams

31,066
(Reg. No.)

MORGAN, LEWIS & BOCKIUS LLP
2 Palo Alto Square, Suite 700
3000 El Camino Real
Palo Alto, California 94306
(650) 843-4000